

MEMORANDUM

Agenda Item No. 7(D)

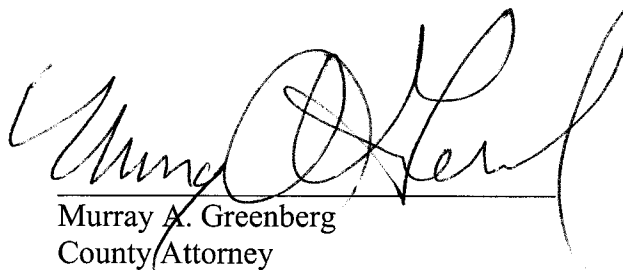
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 05-09-06)
DATE: March 7, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending
Section 2-10.4 of the Code
making applicable to the
Public Health Trust
provisions relating to
acquisition of professional,
architectural, engineering,
landscape architectural or
land surveying and
mapping services, including
local preference

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Dorrin D. Rolle.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: May 9, 2006
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess
County Manager
Subject: Ordinance Amending Section 2-10.4 of the Code of Miami-Dade County

This proposed ordinance amending Section 2-10.4 to make applicable to County agencies, including the Public Health Trust, the procedures relating to the acquisition of professional, architectural, engineering, landscape architectural or land surveying and mapping services, including local preference, will not have a fiscal impact to the County.


Assistant County Manager

Fiscal00506



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 9, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 7(D)

Veto _____

05-09-06

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY TO PROVIDE THAT AGENCIES AND INSTRUMENTALITIES OF THE COUNTY, INCLUDING THE PUBLIC HEALTH TRUST, SHALL FOLLOW THE PROCEDURES OF SUCH SECTION IN THE ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL OR LAND SURVEYING AND MAPPING SERVICES; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-10.4 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 2-10.4. Acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

(1) Definitions.

(a) "Professional services" shall mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, registered land surveying and mapping, as defined by the laws of the state, or those performed by any registered architect, professional engineer, registered landscape architect or registered land surveyor in connection with his professional employment or practice.

(b) The term "firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, landscape architectural or land surveying services.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are not in effect and remain unchanged.

(c) The term "compensation" means the total amount paid for a particular professional service to a firm by Miami-Dade County.

(d) The term "departments and agencies" means departments, instrumentalities or branches of County government ~~[[under the supervision of the County Manager]]~~.

(e) The term "project" shall mean that fixed capital outlay study or planning activity described in the public notice of Miami-Dade County pursuant to Section 2-10.4(2). The County Manager shall prescribe by administrative rule, subject to approval of the Board of County Commissioners, procedures for the determination of a project under its jurisdiction. Such procedures may include:

1. Determination of a project which constitutes a grouping of minor construction, rehabilitation or renovation activities;
2. Determination of a project which constitutes a grouping of substantially similar construction, rehabilitation or renovation activities.

All project grouping contracts shall be subject to the approval of the County Manager or his designated representative to ensure compatibility and compliance with the Equitable Distribution Program.

(f) The term "continuing contract" shall mean a contract for professional services entered into in accordance with all the procedures of Chapter 287, Florida Statutes, as amended, and this section, as amended, between ~~>>departments and agencies of<<~~ Miami-Dade County and a firm whereby the firm provides continuing professional services to Miami-Dade County for separate project assignments in which construction costs do not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, work of a specified nature as outlined in the contract required by Miami-Dade County with no time limitation except that the contract shall provide a termination clause. Firms seeking to provide professional services under continuing contracts for separate project assignments projects in which construction costs do not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, shall be engaged and assigned work through means of an Equitable Distribution Pool established as

provided in the Administrative Order which implements this Section.

(g) The term "design-build contract" shall mean a single contract for the design and construction of a public construction project.

(h) The term "value-analysis" means an organized approach to optimizing both cost and performance in a new or existing facility or to eliminating items that add cost without contributing to required function.

(i) The term "life-cycle costing" means that process whereby all the expenses associated with the operation, maintenance, repair, replacement and alteration costs of a facility or piece of equipment are identified and analyzed.

(2) *Public announcement.* The County Manager shall publicly announce as required by Chapter 287.055, Florida Statutes, as amended, each occasion when professional services are required as specified in the Administrative Order which implements this Section. Such announcement shall be made by publishing the same in a newspaper of general circulation setting forth a general description of the project or projects requiring professional services, the type of services, and prescribing the procedure to be followed by any firm wishing to be employed to perform such services. The public announcement shall be made in the manner provided by law and as specified in the Administrative Order which implements this Section.

* * *

(5) *Competitive selection committees for publicly announced projects or planning or study activities which are not provided under continuing contracts.*

(a) For each project or planning or study activity required to be publicly announced under subsection (2) of this Section, the County Manager shall appoint a competitive selection committee as set forth in the Administrative Order which implements this section.

(b) For each such project, the competitive selection committee shall evaluate current statements of qualifications and performance data on each firm which has requested consideration for that project and shall select several of the candidate firms based on their qualifications, approach to the project and the ability to furnish the required services, in the manner more particularly

identified in the Administrative Order which implements this Section. The competitive selection committee shall then identify, after a properly noticed public hearing, at which public hearing each of the several selected candidate firms shall be given reasonable time to make their presentations, no less than three (3) firms, in order of preference, found to be the most highly qualified to perform the required services. If less than three (3) firms are found most highly qualified then each such firm, in order of preference, shall be identified.

(c) The competitive selection committee shall report its findings, together with supporting data, to the County Manager and shall file a copy of its findings with the Clerk of the Board of County Commissioners.

(d) The County Manager shall select no less than three (3) firms, in the order of preference (provided that at least three (3) firms are identified in accordance with subsection (b) above) by the competitive selection committee to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, locations of the firms, the recent, current, and projected workloads of the firms, the affirmative action plan of the firm and the volume of work previously awarded to each firm by the agency with the object of effecting an equitable distribution of contracts among qualified firms. When proposals or letters of participation are received pursuant to Chapter 287, Florida Statutes, and this section which originate from professional or consulting firms within this County, and quality, service, qualifications and criteria dictated by the project are equal, then firms within the County shall be given preference. This local preference and the distribution of work among firms shall not violate the principle of selection of the most qualified firm for each project. For architectural and engineering professional service solicitations, if two firms, one local and one non-local are within five percent of each other's ranking, the local firm will proceed to negotiations with the County. In the case of a two-tiered evaluation process, the local preference shall also apply at the conclusion of the first tier to allow eligible local proposers within five percent of the points assigned to those recommended to participate in the second tier evaluation. The County Manager shall file the names of the firms he selects together with his order of preference with the Clerk of the Board of County Commissioners. The County Manager shall then negotiate a contract in accordance with the procedures set forth hereafter.

(e) The provisions of this subsection shall not apply to continuing contracts.

* * *

(8) *Miscellaneous provisions and exceptions.*

(a) Nothing herein shall affect the validity or effect of any contracts in existence at the effective date hereof.

(b) The procedures of this Section shall not apply:

(i) When the County Manager is of the opinion and certifies that a valid public emergency exists.

(ii) To continuing contracts as defined herein.

(iii) To projects in which the County is able to reuse existing plans from a prior project; provided, however, subsequent to July 1, 1975, public notice for any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse in accordance with the provisions of this subsection.

>>(c) Miami-Dade County agencies and instrumentalities with the independent power to contract, such as the Public Health Trust, shall adopt rules and procedures implementing this Section. For the purposes of such rules and procedures, where this section provides the Board of County Commissioners with implementing authority, the Board of Trustees shall exercise such authority, and where this section provides the County Manager with authority, the President or Executive Director shall exercise such authority.<<

(9) *Design-build contracts.* Selection of firms to perform design-build contracts shall be in accordance with the procedures set forth in the Administrative Order which implements this Section.

(10) *Administrative Order.* The provisions of this Section shall be implemented by an Administrative Order approved by the Board of County Commissioners.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

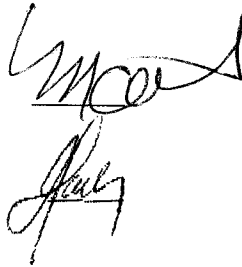
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jack P. Hartog

Sponsored by Commissioner Dorrin D. Rolle

Two handwritten signatures are present. The top signature is in cursive and appears to be 'L. Moore'. The bottom signature is also in cursive and appears to be 'Jack P. Hartog'.